

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 06-80V

Filed: June 29, 2007

Not to be published.<sup>1</sup>

KENDRA SUTTON and KINJIE SUTTON, as  
natural guardians of Kinjie Sutton, Jr.,

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN  
SERVICES

Respondent.

Vaccine Act Attorneys' Fees

### DECISION (ATTORNEYS' FEES)

On June 11, 2007, the petitioners' counsel, Jeffrey J. Himelhoch, submitted an application for attorneys' fees, seeking an award of fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program on behalf of Kinjie Sutton, Jr.. The application seeks a total of \$ 6,404.18. Respondent did not file a response.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award of fees and costs is appropriate. Further, the proposed amount seems reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

A lump sum of \$ **6,404.18**, in the form of a check payable jointly to petitioners and petitioners' counsel, **Jeffrey J. Himelhoch**, on account of petitioners' attorneys' fees and costs.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

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George L. Hastings, Jr.  
Special Master

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<sup>1</sup>Because this document contains an explanation for my action in this case, I intend to post this order on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, as provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, this entire document will be available to the public. *Id.*